

Calendar No. 1021

91ST CONGRESS }
2d Session }

SENATE

{ REPORT
No. 91-1017

JAMES E. MILLER

JULY 15, 1970.—Ordered to be printed

Mr. BURDICK, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany S. 878]

The Committee on the Judiciary, to which was referred the bill (S. 878) for the relief of James E. Miller, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of the bill is to relieve the claimant of liability to pay the sum of \$1,374.79, representing the aggregate amount of the loss from his cashier's cage resulting from a robbery of the National Bureau of Standards.

STATEMENT

The Department of Commerce has no objection to the enactment of the bill.

In its favorable report on the bill, the Department of Commerce sets forth the facts in the case as follows:

This bill would relieve James E. Miller, of Washington, D.C., of liability to the United States in the sum of \$1,374.79, which represents the aggregate amount of the loss resulting from a theft from his cashier's cage at the National Bureau of Standards, Gaithersburg, Md., on July 11, 1966.

Mr. Miller was employed by the Department of Commerce as a cashier in the National Bureau of Standards. On July 11, 1966, \$1,374.79 in Treasury funds was stolen from his office. The circumstances surrounding this theft were investigated by the Secret Service and the FBI, and Mr. Miller was found not to have been implicated. The General Accounting Office denied a request that Mr. Miller be relieved of liability in this matter on the basis that the office was unattended at the time, was not reasonably secure against theft, and that failure to lock the money in a drawer provided for that purpose was a negligent omission which made the theft possible.

Mr. Miller retired on disability on December 10, 1967, at which time he was in step 10 of grade GS-5. He had been transferred subsequent to the theft to a position at this grade from his former position of cashier at step 7 of grade GS-6.

In view of the circumstances and Mr. Miller's otherwise unblemished record, we believe it would be unduly harsh to require him to reimburse the United States for the amount of this loss.

We would, therefore, have no objection to the enactment of S. 878.

We have been advised by the Bureau of the Budget that there would be no objection to the submission of our report to the Congress from the standpoint of the administration's program.

The committee believes that the bill is meritorious and recommends it favorably.

Attached and made a part of this report is a letter dated April 4, 1969, from the Department of Commerce.

GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE,
Washington, D.C., April 4, 1969.

HON. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in further reply to your request for the views of this Department concerning S. 878, a bill "For the relief of James E. Miller."

This bill would relieve James E. Miller, of Washington, D.C., of liability to the United States in the sum of \$1,374.79, which represents the aggregate amount of the loss resulting from a theft from his cashier's cage at the National Bureau of Standards, Gaithersburg, Md., on July 11, 1966.

Mr. Miller was employed by the Department of Commerce as a cashier in the National Bureau of Standards. On July 11, 1966, \$1,374.79 in Treasury funds was stolen from his office. The circumstances surrounding this theft was investigated by the Secret Service and the FBI, and Mr. Miller was found not to have been implicated. The General Accounting Office denied a request that Mr. Miller be relieved of liability in this matter on the basis that the office was unattended at the time, was not reasonably secure against theft, and that

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We would, therefore, have no objection to the enactment of S. 878.

We have been advised by the Bureau of the Budget that there would be no objection to the submission of our report to the Congress from the standpoint of the administration's program.

Sincerely,

JAMES T. LYNN,
General Counsel.



